

REMARKS

The applicant proposes amending claims 1, 4, 5, 7-9, 11, 12 and 14 to improve form and canceling claims 6 and 13 without prejudice or disclaimer. Claims 1-5, 7-12 and 14-20 will be pending upon entry of this amendment.

Initially, the applicant, acknowledges with appreciation, the indication that claims 15-20 have been allowed.

Claims 1-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sampath et al. (U.S. Patent Publication No. 2002/0009081; hereinafter Sampath) in view of SmartSwitch 2000 Firmware version 4.05.06 (hereinafter SmartSwitch 2000) and further in view of Runaldue et al. (U.S. Patent No. 6,128,654; hereinafter Runaldue). The rejection is respectfully traversed.

While not agreeing with the rejection, but to expedite prosecution, claim 1, as amended, recites features similar to, but not identical to, features recited in claim 15, which was allowed. The combination of Sampath, SmartSwitch 2000 and Runaldue does not disclose or suggest the features recited in amended claim 1.

For example, claim 1, as amended, recites that the processing logic is configured to identify data forwarding information for a first one of the received data frames, the data forwarding information identifying at least a first transmit port and a first virtual local area network (VLAN) and generate a forwarding descriptor for the first data frame, the forwarding descriptor including: a first field identifying at least one transmit port and a second field including information identifying whether the first data frame was at least one of untagged, VLAN-tagged or priority-tagged. Claim 1, as amended, further recites that the processing logic is configured to generate a first code indicating that the first data frame is

to be transmitted without modification, when the network device is operating in accordance with a first protocol and generate a second code indicating that the first data frame is to be transmitted without a VLAN tag, the first data frame is to be transmitted with a VLAN tag or the first data frame is to be transmitted without modification, when the network device is operating in accordance with a second protocol and based on the contents of the first field and the second field.

The combination of Sampath, SmartSwitch and Runaldue does not disclose or suggest these features of amended claim 1. For at least these reasons, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-5 and 7 are dependent on claim 1 and are believed to be allowable over the combination of Sampath, SmartSwitch and Runaldue for at least the reasons claim 1 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 2-5 and 7 are respectfully requested.

Claim 8, as amended, recites features similar to, but not identical to claim 15, which was allowed. The combination of Sampath, SmartSwitch 2000 and Runaldue does not disclose or suggest the features recited in amended claim 8.

For example, claim 8, as amended, recites that the method includes identifying data forwarding information for a first one of the received data frames, the data forwarding information identifying at least a first transmit port and a first virtual local area network (VLAN) and generating a forwarding descriptor for the first data frame, the forwarding descriptor including: a first field identifying at least one transmit port and a second field including information identifying whether the first data frame was at least one of untagged, VLAN-tagged or priority-tagged. Claim 8, as amended, also recites forwarding the first

data frame to the first transmit port without modifying the first data frame, when the network device is operating in the first operating mode and at least one of inserting VLAN information into the first data frame, deleting VLAN information included in the first data frame or modifying VLAN information included in the first data frame, when the network device is operating in the second operating mode and based on the contents of the first field and the second field.

The combination of Sampath, SmartSwitch and Runaldue does not disclose or suggest each of these features. For at least these reasons, withdrawal of the rejection and allowance of claim 8 are respectfully requested.

Claims 9-12 and 14 are dependent on claim 8 and are believed to be allowable over the combination of Sampath, SmartSwitch and Runaldue for at least the reasons claim 8 is allowable. Accordingly, withdrawal of the rejection and allowance of claims 9-12 and 14 are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully requests withdrawal of the outstanding rejection and the timely allowance of this application. The applicant respectfully requests that the present amendment be entered because the amendment merely incorporates features similar to those from an allowed independent claim into the other independent claims and amends various dependent claims for consistency with the amended independent claims. This amendment, therefore, should place the application in condition for allowance. If there are any outstanding issues which

might be resolved by an interview or an Examiner's amendment, please feel free to call the undersigned attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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